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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 SOUTHERN DIVISION

11 GRUMPY CAT LIMITED, } No. SACV15-02063 DOC (DFMx)  
12 Plaintiff, }  
13 v. } ORDER SETTING SETTLEMENT  
14 } CONFERENCE  
15 GRENADE BEVERAGE, LLC, }  
16 Defendants. }  
17 }  
18 }

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20 A Settlement Conference will be held before the Court in Courtroom 6B  
21 of the Ronald Reagan Federal Building and United States Courthouse, 411  
22 West Fourth Street, Santa Ana, California, on **January 8, 2018, at 9:00 a.m.**  
23 The Court believes that consideration of settlement is a serious matter that  
24 requires thorough preparation before the settlement conference. Set forth  
25 below are the procedures the Court will require the parties to follow and the  
26 procedures the Court will typically employ in conducting the conference:

27 **1. Attendance of Parties Required.** Parties with full and complete  
28 settlement authority are required to personally attend the conference, together

1 with trial counsel for each party. A corporate party shall send a representative  
 2 with full and complete authority to make settlement decisions. Defendant's  
 3 representative must have final settlement authority to commit Defendant to  
 4 pay, in the representative's sole discretion, a settlement amount recommended  
 5 by the settlement judge up to Plaintiff's prayer (excluding punitive damage  
 6 prayers), or up to Plaintiff's last demand made prior to the settlement  
 7 conference, whichever is lower. If the settlement decision will be made in  
 8 whole or in part by an insurer, the insurer shall send a representative with full  
 9 and complete authority to make settlement decisions. Failure to produce the  
 10 appropriate person(s) at the conference and/or failure to participate in good  
 11 faith may result in an award of costs and attorney's fees incurred by the other  
 12 parties in connection with the conference and/or other sanctions against the  
 13 noncomplying party and/or counsel.<sup>1</sup>

14       **2. Pre-Conference Settlement Offers.** In order to provide the parties  
 15 with a starting point for their settlement discussions with the Magistrate Judge,  
 16 Plaintiff shall advise Defendant of the terms upon which Plaintiff then is  
 17 prepared to settle the case, in a letter delivered or emailed no later than **12:00**  
 18 **p.m. on January 4, 2018.** Within twenty-four (24) hours of receipt of  
 19 Plaintiff's settlement offer, Defendant shall respond to the same by letter  
 20 advising Plaintiff of the terms upon which such Defendant is prepared to settle  
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22       <sup>1</sup> When a person whose personal attendance would otherwise be  
 23 required pursuant to the foregoing paragraphs resides outside Orange County,  
 24 the Court will consider excusing the personal attendance of such person, so  
 25 long as such person can and will be available by telephone during the entire  
 26 settlement conference. If a party desires to avail itself of this excuse from  
 27 personal attendance, counsel should so request in such party's Settlement  
 28 Conference Statement. After the party's Settlement Conference Statement is  
 submitted, counsel should contact the Court's courtroom deputy clerk to  
 ascertain whether the request has been granted.

1 the case. The Court expects the parties to exchange good faith settlement  
2 offers.

3       **3. Settlement Conference Statement.** Each party shall submit a  
4 Settlement Conference Statement to the Magistrate Judge by 5:00 p.m. on  
5 Friday, January 5, 2018. The parties shall exchange the Statements on the  
6 same date. These Statements shall not become a part of the file of the case, but  
7 shall be for the use of the Magistrate Judge in preparing for and conducting the  
8 settlement conference. Settlement Conference Statements should be delivered  
9 to the Court by email to [dfm\\_chambers@cacd.uscourts.gov](mailto:dfm_chambers@cacd.uscourts.gov) or directly to  
10 chambers on the Sixth Floor of the Santa Ana Courthouse. The Statements  
11 may be in letter format and shall not exceed ten (10) pages in length. The  
12 parties' respective Statements should address:

13           A. A brief statement of the facts of the case, and of the claims  
14 and defenses remaining to be tried, including the statutory or other  
15 grounds upon which the claims are founded. This statement should  
16 identify the major factual and legal issues in dispute, and cite any  
17 controlling authorities.

18           B. An itemized statement of the damages claimed, and of any  
19 other relief sought.

20           C. A summary of the proceedings to date, including any case  
21 management dates/deadlines already set by the District Judge.

22           D. A history of past settlement discussions, offers and demands,  
23 including the most recent settlement offers exchanged pursuant to ¶ 2  
24 above. A copy of such party's letter sent pursuant to ¶ 2 above should be  
25 attached to such party's Settlement Conference Statement.

26       **4. Confidential Addendum.** Each party shall also prepare a  
27 Confidential Addendum to Settlement Conference Statement, which shall be  
28 delivered (or emailed) directly to the Magistrate Judge only, simultaneously

1 with the Settlement Conference Statement. The Confidential Addendum shall  
2 not be filed with the Court or served upon the other parties. The Confidential  
3 Addendum shall contain:

4 A. A forthright evaluation of the party's likelihood of prevailing  
5 on each of its claims and/or defenses.

6 B. The approximate amount of attorney's fees, time and costs  
7 expended to date, and an estimate of the fees, time and costs to be  
8 expended for (i) further discovery, (ii) pretrial and (iii) trial.

9 C. The party's evaluation of the terms on which the other side  
10 is prepared to settle the case.

11 D. The party's evaluation of the terms on which the case could  
12 be settled fairly, taking into account the litigation position and settlement  
13 position of the other side.

14 5. **Format.** The Court will generally use a mediation format, that is,  
15 a joint session with opening remarks by the Court, followed by private  
16 caucuses.

17 6. **Conference Preparation.** The Court may, in its discretion, contact  
18 the parties after review of the Statements and Confidential Addenda to arrange  
19 a pre-settlement conference telephone call with counsel. The Court may ask  
20 the parties to submit addenda to their statements during this telephone  
21 conference.

22  
23 Dated: January 3, 2018

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25 DOUGLAS F. McCORMICK  
26 United States Magistrate Judge  
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